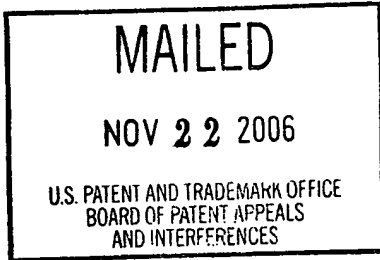


UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---



Ex parte HIROSHI OGINO

Application No. 09/966,540

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was electronically received at the Board of Patent Appeals and Interferences on November 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

The Manual of Patent Examining Procedure (MPEP) § 609(C)(2) (Eighth Ed.) in regards to Information Disclosure Statements filed by applicants states in part.:

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 or PTO/SB/08A and 08B provides a clear record of which

Application No. 09/966,540

citations have been considered by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

Appellants filed Information Disclosure Statements (IDSs) on

February 20, 2002,  
March 14, 2002,  
May 9, 2002,  
July 3, 2003,  
September 29, 2003,  
October 31, 2003,  
March 22, 2004,  
June 4, 2004.

They do not appear to have been properly considered because we fail to find a properly acknowledged 1449 of the IDS's in the application Image File Wrapper (IFW). e.g., the examiner has not initialed next to the documents listed on the 1449s of the IDS's nor have the forms been initialed and signed by the examiner as required. Correction is required.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

Application No. 09/966,540

- (a) for the examiner to properly consider/acknowledge the above-mentioned IDS's and to mail a copy of same to appellant, and
- (b) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: *GP Edge for Dale Shaw*  
DALE M. SHAW  
Acting Chief Appeals Administrator  
(571) 272-9797

DMS/vsh

cc: BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES CA 90025-1030